

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK SMITH,

Petitioner,

v.

COUNTY OF RIVERSIDE,

Respondent.

Case No. 2:24-cv-0688-JDP (P)

ORDER TO SHOW CAUSE

On October 3, 2024, the court screened petitioner's petition for writ of habeas corpus and notified petitioner that it failed to state a claim. The court granted petitioner thirty days to file an amended petition. ECF No. 5. To date, petitioner has not done so.


To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case based on petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

Petitioner will be given an opportunity to explain why the court should not dismiss his

1 case for failure to file an amended petition. Petitioner's failure to respond to this order will
2 constitute a failure to comply with a court order and will result in dismissal of this case.
3 Accordingly, petitioner must show cause within twenty-one days of the date of entry of this order
4 why the court should not dismiss his case for failure to state a claim, failure to prosecute, and
5 failure to comply with a court order. Should petitioner wish to continue with this lawsuit, he shall
6 also file, within twenty-one days, an amended petition for writ of habeas corpus.

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8 IT IS SO ORDERED.

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10 Dated: December 4, 2024


11 JEREMY D. PETERSON
12 UNITED STATES MAGISTRATE JUDGE
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